**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929**

**WP(C).No. 32237 of 2007(K)**

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**PETITIONER:**

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**AYSHA BEEVI, W/O.LATE M.THANGAL KUNJU,**
**VELIYIL HOUSE, PUTHUPPALLY VILLAGE,**
**PUTHUPPALLY P.O., KAYAMKULAM, ALLEPPEY DISTRICT.**

**BY ADV. SRI.S.ABDUL SALAM**

**RESPONDENTS:**

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1. **THE DISTRICT EXECUTIVE OFFICER,**
   **KERALA MOTOR TRANSPORT WORKERS WELFARE**
   **FUND BOARD, ALLEPPEY.**

2. **THE TAHSILDAR (REVENUE RECOVERY),**
   **KARTHIKAPPALLY TALUK, HARIPAD.**

3. **THE MANAGER, STATE BANK OF INDIA,**
   **KAYAMKULAM BRANCH-5625, PIN-690 502,**
   **KAYAMKULAM, KERALA.**

**BY ADV. SRI. R.S. KALKURA, SC for SBI**
**BY GOVERNMENT PLEADER SRI. I.V. PRAMOD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ANTONY DOMINIC, J.

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W.P.(C). NO. 32237 OF 2007

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Dated this the 12th day of November, 2007

J U D G M E N T

Petitioner seeks a direction to the 1st respondent to permit the petitioner to withdraw the bank guarantee for Rs.50,000/- furnished by her in favour of the 2nd respondent. It is submitted that by Ext.P1 petitioner was required to pay an amount of Rs.31,000/- and that the full amount has been paid. As a result of this, petitioner submits that there is an excess amount of Rs.3,500/-. It is also pointed out that there is a bank guarantee for Rs.50,000/- now available with the respondents, which is also liable to be returned to the petitioner. Claiming these two reliefs, petitioner has submitted Ext.P3 representation, which is pending consideration of the 1st respondent.

2. If as a mater of fact, the liability has been discharged and the full amount has been paid, there is no justification in delaying refund of the

excess amount that is available with the respondents or delaying release of the bank guarantee to the petitioner.

Therefore, I dispose of this writ petition directing that the claim of the petitioner shall be considered by the 1st respondent and if no amounts are due from the petitioner, the amounts that are remitted in excess and that is available with the respondents along with the bank guarantee, shall be released to the petitioner. This shall be done, as expeditiously as possible, at any rate, within four weeks from the date of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE

vps